(1)

031496 APR 19 2004

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Meredith T. Raney, Jr.,

Petitioner,

v.

Allstate Insurance Company, Allstate Floridian Insurance Company, Ocala Women's Center, Inc., Aware Woman Center For Choice, Inc., Edward W. Windle, Jr., Patricia Baird Windle, James S. Pendergraft,M.D., and Manhattan Magnolia, Corp.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

---

PETITION FOR WRIT OF CERTIORARI

Christopher F. Sapp
Petitioner's Counsel of Record
1323 Wilderness Lane
Titusville, Fl 32796
(321) 268-8758

QUESTION PRESENTED

Since the potential for historic embarrassment to a United States Court of Appeals for its unwitting role in the September 11 attacks precludes even the appearance of impartiality by that Court in the present appeal, should the United States Supreme Court review this case ?

PARTIES TO THE PROCEEDING

"Petitioner"

Meredith T. Raney, Jr.

"Respondents"

Allstate Insurance Company, Allstate Floridian Insurance Company, Ocala Women's Center, Inc., Aware Woman Center For Choice, Inc., Edward W. Windle, Jr., Patricia Baird Windle, James S. Pendergraft, M.D., and Manhattan Magnolia Corp.

CORPORATE DISCLOSURE STATEMENT

Petitioner knows of no parent corporations or any publicly held company that owns 10 % or more of the stock of Allstate Insurance Company, Allstate Floridian Insurance Company, Ocala Women's Center, Inc., Aware Woman Center For Choice, Inc., or Manhattan Magnolia Corp.

TABLE OF CONTENTS

Question Presented ..... *i*

Parties To The Proceeding ..... *ii*

Corporate Disclosure Statement ..... *ii*

Table of Contents ..... *iii*

Appendix Table ..... *iv*

Table of Citations ..... *v*

Opinions Below 1

Statement of Jurisdiction 1

Constitutional and Statutory Provisions 2

Statement of the Case 3

Reason for Granting the Writ 4

Because the potential for historic embarrassment to the United States Court of Appeals for its unwitting role in the September 11 attacks precludes even the appearance of impartiality by that Court in the present appeal, the United States Supreme Court should review this case .

Conclusion 7

Appendix Table

Appendix A 1a

Order of the United States District Court , Middle District of Florida, Ocala Division, dismissing the RICO complaint with prejudice, filed November 21, 2003

Appendix B 4a

Order of United States Circuit Judge Stanley Marcus denying Appellant's motion for his disqualification, filed March 3, 2004

Appendix C 5a

Order of United States Circuit Judge Rosemary Barkett denying Appellant's motion for her disqualification, filed March 3, 2004

Appendix D 6a

Order of United States Circuit Judge Frank M. Hull denying Appellant's motion for her disqualification, filed February 27, 2004

Appendix E 7a

Order of United States Circuit Judge Charles Wilson denying Appellant's motion for his disqualification, recusing himself *sua sponte*, filed March 1, 2004.

TABLE OF CITATIONS

Cases: **Page**

Liteky v. United States, ... 6
510 U.S. 540 (1994)

Raney v. Aware Woman Center For Choice, Inc . 5
224 F.3d 1266, rehearing and suggestion for rehearing en banc denied 239 F.3d 371, certiorari denied 121 S.Ct. 1602, 532 U.S. 971, 149 L.Ed. 2d 468

Scheidler v. National Organization for Women ... 6
154 L.Ed. 2d 991 (2003)

United States v. Nixon 6
418 U.S. 683, 41 L.Ed. 2d 1039, 94 S.Ct. 3090 (1974)

United States v. Pendergraft 6
297 F.3d 1198 (11th Cir. 2002)

United States Constitution

Article III, Section 1 6

Statutes:

28 U.S.C. § 455 ..... 2, 5

28 U.S.C. §1254(1) 1

28 U.S.C. §1291 3

28 U.S.C. §2101 1

United States Supreme Court Rules

Rule 11 ..... 1, 6

Petitioner, Meredith T. Raney, Jr., respectfully requests that a writ of certiorari be issued to review this case which is pending in the United States Court of Appeals for the Eleventh Circuit.

OPINIONS BELOW

The order of the United States District Judge in *Meredith T. Raney, Jr. v. Allstate Insurance Company et al.*, Case Number: 5:02-cv-372-Oc-10GRJ is shown at Appendix A. The United States Court of Appeals for the Eleventh Circuit has not issued an opinion in this case. Orders filed by Judges Hull, Barkett, and Marcus, respectively, whereby each of these judges refused to disqualify themselves are shown as Appendices B, C, and D. Judge Wilson denied Petitioner's motion and recused himself *sua sponte*. Appendix E.

STATEMENT OF JURISDICTION

The decision of the United States District Court for the Middle District of Florida was entered on November 21, 2003 and appealed to the United States Circuit Court of Appeals, Eleventh Circuit, on December 9, 2003. There has been no decision in the United States Circuit Court

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) and under 28 U.S.C. §2101 (e), as review is requested under United States Supreme Court Rule 11.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Article III of the United States Constitution, which states in pertinent part:

Section 1. . The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour .

There is also reference to the federal statute providing for the disqualification of justices, judges, or magistrates under 28 U.S.C. §455, which states, in pertinent part :

> (a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
>
> (b) He shall also disqualify himself in the following circumstances:
>
> 1. Where he has a personal bias or prejudice concerning a party . . .
>
> 4. He knows that he . . .has . . .any other interest that could be substantially affected by the outcome of the proceeding;

STATEMENT OF THE CASE

Meredith T. Raney, Jr. filed a civil RICO complaint with supplemental actions for malicious prosecution against all of the respondents in the United States District Court for the Middle District of Florida on December 12, 2002. The respondents filed various motions to dismiss which were granted on November 21, 2003: The RICO claim was dismissed with prejudice; the remaining malicious prosecution counts
were dismissed without prejudice subject to the right to pursue those claims in state court.

A timely notice of appeal was taken on December 9, 2003 pursuant to 28 U.S.C. §1291 which vested jurisdiction in the United States Court of Appeals, Eleventh Circuit. The four Raney motions for disqualification of the Clinton judicial appointees were denied; however, Judge Wilson recused himself *sua sponte*.

There has been no decision from the United States Court of Appeals on the central issues of the appeal.

REASON FOR GRANTING THE WRIT

Because the potential for historic embarrassment to the United States Court of Appeals for its unwitting role in the September 11 attacks precludes even the appearance of impartiality by that Court in the present appeal, the United States Supreme Court should review this case.

September 11 attacks

The attacks of September 11 will become the subject of an honest, thorough, competent investigation.

Such an inquiry will uncover the assistance received by the terrorists from persons already living in this country who helped with essential details, such as obtaining liability insurance, credit cards, and bank accounts.

It will be revealed that these attacks were such low budget affairs that even one resident with modest means could underwrite the entire operation.

Such a person may very well have lived in Port Charlotte, Florida where many of Mohamad Atta's activities were centered. Reportedly, he lived, trained, transferred money there and likely attended the secluded little mosque on the edge of town.

Another Muslim, an Iranian who reportedly trained at Teheran University as a physician, before moving to the New York area, then the Washington, D.C. area and then, to Port Charlotte, Florida may also have attended that same secluded little mosque with Mohamed Atta.

That doctor has an abortion clinic in Port Charlotte, Florida. He has reportedly said that Allah is pleased for

him to kill as many Christian babies as possible.

That doctor was grievously humiliated a few years ago when a local sheriff publicly called him a "baby killer". The notoriety resulted in personal interviews by the major media and personal appearance on network television from New York, resulting in international notoriety.

That same doctor was later the first abortionist to have his practice enhanced under the Wilson plan - named for a judge placed on the United States Court of Appeals by former President Clinton. (The appointment has been labeled both a reward for devising a successful pro-abortion plan and a brilliant strategy to insure that the United States Court of Appeals protected Mr. Clinton and Ms. Reno from any liability a rising from by the Wilson plan)

It has been claimed that the Eleventh Circuit did in fact provide such protection using the case of *Raney v. Aware Woman Center For Choice, Inc.*,224 F.3d 1266, rehearing and suggestion for rehearing en banc denied 239 F.3d 371, certiorari denied 121 S.Ct. 1602, 532 U.S. 971, 149 L.Ed. 2d 468 to create a legal shield for Judge Wilson and his powerful benefactors.

Ironically, the Port Charlotte abortionist was also a financial and legal beneficiary of *Raney v. Aware Woman Center For Choice, Inc.* (*supra*). That he may have used this increased income to sponsor the September 11 attacks - perhaps as the main domestic sponsor - creates too much potential embarrassment for the Eleventh Circuit.

Three of the Clinton appointees to that Court have refused to disqualify themselves as requested to do so by the Petitioner under 28 U.S.C. § 455. The Clerk's office has been less than helpful - - possibly obstructive. Meredith

Raney cannot reasonably expect that he will be treated fairly in the Eleventh Circuit, where the decision under appeal is in obvious conflict with *Scheidler v. National Organization for Women*, 154 L.Ed. 2d 991 (2003), and is a misapplication of *United States v. Pendergraft*, 297 F.3d 1198 (11th Cir. 2002).

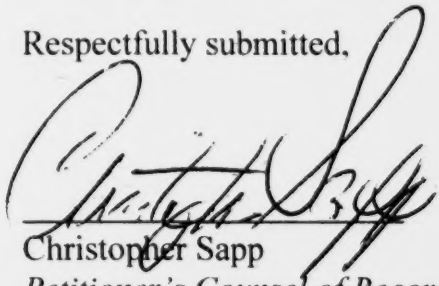
The decision in *Liteky v. United States*, 510 U.S. 540 (1994), requires the appearance of impartiality for all federal judges. Article III, Section I of the United States Constitution has mandated proper judicial conduct since the founding of our Nation. And, since the possible embarrassment of an enduring legal stain is too much for the Eleventh Circuit, the United States Supreme Court should act as it did during those days of national agony resulting from Watergate.

In accord with *United States v. Nixon*, 418 U.S. 683, 41 L.Ed. 2d 1039, 94 S.Ct. 3090 (1974), the United States Supreme Court should bypass the Court of Appeals and review this case under United States Supreme Court Rule 11.

CONCLUSION

Meredith T. Raney, Jr. respectfully requests that this Court grant a writ of certiorari and any other appropriate relief

Respectfully submitted,



Christopher Sapp
Petitioner's Counsel of Record
1323 Wilderness Lane
Titusville, Florida 32796
(321) 268-8758
Member of the Bar of the
United States Supreme Court

APPENDIX A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

Case 5:02-CV-372-Oc-10GRJ
(Filed November 21, 2003)

Meredith T. Raney, Jr

Plaintiff,

vs.

Allstate Insurance Company, et al.,

Defendants.

ORDER

On December 12, 2002, the Plaintiff, Meredith Raney, Jr., brought this action for violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §1961 *et seq.*, and for malicious prosecution under Florida law. The Magistrate Judge has issued a report (Doc. 60) recommending that the Defendants' individual motions to dismiss (Docs. 9, 20 and 52) be granted, the Plaintiff's RICO Act claim (Count I) be dismissed with prejudice and the Plaintiff's state law claims (Counts II through V) be dismissed without prejudice pursuant to 28 U.S.C. §1367 (c). The Defendant has filed objections to the Magistrate Judge's report (Doc. 61).

The Plaintiff states, without elaboration, that the

Magistrate Judge misapplied and misinterpreted Scheidler v. National Organization for Women[1] and United States v. Pendergraft[2]. However, this Court finds no basis for the Plaintiff's contention. The Magistrate Judge has properly applied the holdings in Scheidler and Pendergraft to the allegations in the Plaintiff's Complaint.

Accordingly, upon due consideration of the Plaintiff's objection, and upon an independent examination of the file, it is ordered that:

(1) the Plaintiff's objection (Doc. 61) to the Magistrate Judge's Report and Recommendation (Doc. 60) is OVERRULED;

(2) the Magistrate Judge's Report and Recommendation (Doc. 60) is adopted, confirmed, and made a part hereof;

(3) The Defendants' Motion to Dismiss (Docs. 9, 20 and 52) are GRANTED;

(4) the Plaintiff's RICO Act claim (Count I) is DISMISSED with prejudice;

(5) the Plaintiff's remaining state law claims (Counts II, III, IV and V) are dismissed without prejudice subject to the right pursue these claims in an appropriate state court; and

(6) the Clerk is directed to terminate all pending

---

[1] 537 U.S. 393 (2003)

[2] 297 F.3d 1198 (11th Cir. 2002)

motions and close the file.

IT IS SO ORDERED.

DONE and ORDERED at Ocala, Florida this 20th day of November, 2003.

/s/_____
UNITED STATES DISTRICT JUDGE

Copies to: The Honorable Gary R. Jones,
United States Magistrate Judge
Counsel of Record

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

03-16383-DD

MEREDITH T. RANEY, JR.,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY,
ALLSTATE FLORIDIAN INSURANCE COMPANY,
OCALA WOMEN'S CENTER, INC.,
AWARE WOMAN CENTER FOR CHOICE, INC.,
EDWARD W. WINDLE, JR., et al.

Defendants-Appellees

On Appeal from the United States District Court for the Middle District of Florida

---

ORDER:

Appellant's "Motion That Circuit Judge Stanley Marcus Disqualify Himself" is DENIED.

/s/_____
Stanley Marcus

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

03-16383-DD

MEREDITH T. RANEY, JR.,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY,
ALLSTATE FLORIDIAN INSURANCE COMPANY,
OCALA WOMEN'S CENTER, INC.,
AWARE WOMAN CENTER FOR CHOICE, INC
EDWARD W.. WINDLE, JR., et al.

Defendants-Appellees

On Appeal from the United States District Court for the Middle District of Florida

---

ORDER:

Appellant's "Motion That Circuit Judge Rosemary Barkett Disqualify Herself" is DENIED.

/s/_____
Rosemary Barkett

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

03-16383-DD

MEREDITH T. RANEY, JR.,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY,
ALLSTATE FLORIDIAN INSURANCE COMPANY,
OCALA WOMEN'S CENTER, INC.,
AWARE WOMAN CENTER FOR CHOICE, INC.,
EDWARD W. WINDLE, JR., et al.

Defendants-Appellees

On Appeal from the United States District Court for the Middle District of Florida

---

ORDER:

Appellant's "Motion That Circuit Judge Frank M. Hull Disqualify Herself" is DENIED.

/s/ _____
Frank M. Hull

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

03-16383-DD

MEREDITH T. RANEY, JR.,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY,
ALLSTATE FLORIDIAN INSURANCE COMPANY,
OCALA WOMEN'S CENTER, INC.,
AWARE WOMAN CENTER FOR CHOICE, INC.,
EDWARD W. WINDLE, JR., et al.

Defendants-Appellees

On Appeal from the United States District Court for the Middle District of Florida

---

ORDER:

Appellant's "Motion That Circuit Judge Charles Wilson Disqualify Himself" is DENIED, as the undersigned's recusal is not warranted on the grounds alleged in the motion. However, the undersigned sua sponte recuses himself from this appeal.

/s/_____
UNITED STATES CIRCUIT JUDGE